

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation/Petition to
Revoke Probation Against:

Case No. 2010-417

KIMBERLY L. WARD LAUBER
AKA Kimberly L. Lauber,
AKA Kimberly L. Ward
4384 E. Orchard Drive
Tucson, AZ 85716

ORDER

Registered Nurse License No. 310344

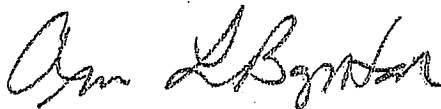
Respondent

IT IS SO ORDERED that Registered Nurse License No. 310344, heretofore issued to
Respondent Kimberly L. Ward Lauber, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
written motion requesting that the Decision be vacated and stating the grounds relied on within
seven (7) days after service of the Decision on Respondent. The agency in its discretion may
vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on 6/4/10.

It is so ORDERED 5/5/10



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

BOARD OF REGISTERED NURSING
CALIFORNIA

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation/Petition to
Revoke Probation Against:

KIMBERLY L. WARD LAUBER
AKA Kimberly L. Lauber,
AKA Kimberly L. Ward
4384 E. Orchard Drive
Tucson, AZ 85716

Registered Nurse License No. 310344

RESPONDENT

Case No. 2010-417

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 8, 2010, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation/Petition to Revoke Probation No. 2010-417 against Kimberly L. Ward Lauber (Respondent) before the Board of Registered Nursing.

2. On or about October 31, 1979, the Board of Registered Nursing (Board) issued Registered Nurse License No. 310344 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on January 31, 1999 and has not been renewed.

3. On or about March 8, 2010, Shannon Silberling, an employee of the Board of Registered Nursing, Department of Consumer Affairs, served by Certified and First Class Mail a copy of the Accusation/Petition to Revoke Probation No. 2010-417, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is: 4384 E. Orchard Drive, Tucson, AZ 85716.

A copy of the Accusation/Petition to Revoke Probation is attached as Exhibit A, and is incorporated herein by reference.

1 4. Service of the Accusation/Petition to Revoke Probation was effective as a matter of
2 law under the provisions of Government Code section 11505, subdivision (c).

3 5. Business and Professions Code section 2764 states:

4 The lapsing or suspension of a license by operation of law or by order or decision of
5 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
6 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
7 against such license, or to render a decision suspending or revoking such license.

8 6. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
10 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
11 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
12 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

13 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
14 Accusation/Petition to Revoke Probation, and therefore waived her right to a hearing on the
15 merits of Accusation/Petition to Revoke Probation No. 2010-417.

16 7. California Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
18 agency may take action based upon the respondent's express admissions or upon other evidence
19 and affidavits may be used as evidence without any notice to respondent.

20 8. Pursuant to its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 evidence on file herein, finds that the allegations in Accusation/Petition to Revoke Probation No.
23 2010-417 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kimberly L. Ward Lauber has subjected her Registered Nurse License No. 310344, to discipline.

2. A copy of the Accusation/Petition to Revoke Probation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation/Petition to Revoke Probation:

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

b. Violation of Business and Professions Code section 2761(a) - Unprofessional Conduct.

c. Violation of 2761(b) - Procuring license by fraud, misrepresentation or mistake

d. Violation of Condition of Probation No. 1 - Obey all laws

e. Violation of Condition of Probation No. 4 - Residency, practice, licensure outside of state

f. Violation of Condition of Probation No. 19 - Therapy or counseling program

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Attachment:

Exhibit A: Accusation/Petition to Revoke Probation No. 2010-417

Exhibit A.

Accusation/Petition to Revoke Probation No. 2010-417

1 EDMUND G. BROWN JR.
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2 ALFREDO TERRAZAS
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6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

13 **KIMBERLY L. WARD LAUBER, A.K.A.**
KIMBERLY L. LAUBER, A.K.A.
KIMBERLY L. WARD
14 4384 E. Orchard Drive
Tucson, AZ 85716
15 Registered Nurse License No. 310344

16 Respondent.

Case No. 2010-417

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation and Petition to
21 Revoke Probation solely in her official capacity as the Interim Executive Officer of the Board of
22 Registered Nursing ("Board"), Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about October 31, 1979, the Board issued Registered Nurse License Number
25 310344 to Kimberly L. Ward Lauber, also known as Kimberly L. Lauber, and Kimberly L. Ward
26 ("Respondent"). The registered nurse license expired on January 31, 1999.

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1 **Prior Discipline**

2 3. In a disciplinary action entitled "In the Matter of the Accusation Against Kimberly L.
3 Lauber, Case No. 2001-37, the Board of Registered Nursing issued a decision, effective March
4 11, 2001, in which Respondent's Registered Nurse License No. 310344 was revoked. However,
5 the revocation was stayed and Respondent was placed on probation for a period of three (3) years
6 with certain terms and conditions. A copy of that decision is attached as Exhibit A and is
7 incorporated herein by reference.

8 **STATUTORY PROVISIONS**

9 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
10 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
11 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
12 the Nursing Practice Act.

13 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
14 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
15 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
16 (b), the Board may renew an expired license at any time within eight years after the expiration.

17 6. Code section 2811, subdivision (b) states:

18 Each such license not renewed in accordance with this section shall
19 expire but may within a period of eight years thereafter be reinstated upon payment of
20 the biennial renewal fee and penalty fee required by this chapter and upon submission
21 of such proof of the applicant's qualifications as may be required by the board, except
22 that during such eight-year period no examination shall be required as a condition for
23 the reinstatement of any such expired license which has lapsed solely by reason of
24 nonpayment of the renewal fee. After the expiration of such eight-year period the
25 board may require as a condition of reinstatement that the applicant pass such
26 examination as it deems necessary to determine his present fitness to resume the
27 practice of professional nursing.

24 7. Code section 2761 states, in pertinent part:

25 The board may take disciplinary action against a certified or licensed
26 nurse or deny an application for a certificate or license for any of the following:

27 (a) Unprofessional conduct, which includes, but is not limited to, the
28 following:

///

1 (4) Denial of licensure, revocation, suspension, restriction, or any other
2 disciplinary action against a health care professional license or certificate by another
3 state or territory of the United States, by any other government agency, or by another
4 California health care professional licensing board. A certified copy of the decision
5 or judgment shall be conclusive evidence of that action.

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11 8. Code section 2762 states, in pertinent part:

12 In addition to other acts constituting unprofessional conduct within the
13 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
14 person licensed under this chapter to do any of the following:

15 (b) Use any controlled substance as defined in Division 10 (commencing
16 with Section 11000) of the Health and Safety Code, or any dangerous drug or
17 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
18 in a manner dangerous or injurious to himself or herself, any other person, or the
19 public or to the extent that such use impairs his or her ability to conduct with safety to
20 the public the practice authorized by his or her license.

21 COST RECOVERY

22 9. Code section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

26 ACCUSATION

27 FIRST CAUSE FOR DISCIPLINE

28 (Out-of-State Discipline)

10 Respondent is subject to disciplinary action pursuant to Code section 2761,
11 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent has been
12 disciplined by the Arizona State Board of Nursing ("Arizona Board"). Effective January 4, 2005,
13 pursuant to the Consent for Entry of Voluntary Surrender Order No. 0507004, filed by the
14 Arizona Board, attached hereto as Exhibit A and incorporated herein, Respondent voluntarily
15 surrendered her Arizona Professional Nurse License No. 098052. The basis for discipline is as
16 follows:

17 a. On or about November 26, 2004, Respondent was removed from her assignment in
18 the emergency room at the El Dorado Hospital, due to her behavior, which was consistent with
19 impairment.

1 b. On or about December 16, 2004, Arizona Board staff spoke to Respondent, who
2 admitted to drinking the night before the incident at El Dorado Hospital. Respondent also
3 informed the Arizona Board that her drug screen at El Dorado Hospital was positive for alcohol.

4 c. On or about January 4, 2005, Arizona Board staff interviewed Respondent, who
5 stated that she began drinking again after three and one-half years of sobriety. She said that she
6 drinks a half of a bottle of vodka or rum for several days in a row and then will not drink again
7 for several days. Respondent also informed the Arizona Board that she had been arrested for
8 "reckless operation" in June 2004 with a BAC of .082 and was subsequently convicted. On
9 October 1, 2004, Respondent was arrested for DUI by Pima County Sheriff's Department
10 following a traffic collision with three vehicles. Respondent refused a field sobriety test.
11 Respondent was also driving without a valid Arizona driver's license, as it had been suspended.
12 Respondent was subsequently arrested. Although the original charges were dropped, Respondent
13 stated that she expected new charges would be filed against her.

14 d. On or about January 4, 2005, Respondent also signed the CANDO Stipulated
15 Agreement, which, in part, required Respondent to attend a chemical dependency treatment
16 program, enroll in a drug screening program, submit to required monthly random drug screens,
17 attend two AA meetings per week, abstain from the use of alcohol and narcotics, attend aftercare,
18 abstain from unauthorized drug use, notify CANDO of any prescription received, apply for
19 renewal of her professional nurse license when it expires, refrain from working as a nurse until
20 approval to return to work was obtained from the CANDO consultant, and upon return to nursing
21 practice, Respondent was to abide by standard nursing practice restrictions.

22 e. On or about June 3, 2005, the Pima County Superior Court convicted Respondent of
23 Endangerment, a class six felony, nondangerous and nonrepetitive offense, and driving under the
24 influence of liquor, drugs, or vapor-releasing, a class one misdemeanor. Respondent was placed
25 on probation for three years. Respondent was also required to spend ten days in jail.
26 Respondent's driver's license was also suspended for one year beginning October 1, 2004, and
27 any vehicle she operated was required to be equipped with a certified ignition interlock device for
28 a least one year after the completion of the suspension.

1 f. On or about July 7, 2005, Respondent was discharged from the CANDO program
2 prior to completion of the program.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Use Alcohol in a Manner Dangerous)**

5 11. Respondent has subjected her license to disciplinary action pursuant to Code section
6 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
7 2762, subdivision (b), in that in or about November 2004, through in or about July 2005,
8 Respondent used alcohol to an extent, or in a manner dangerous or injurious to herself or others
9 or to an extent that such use impaired her ability to practice with safety to the public the practice
10 authorized by her license.

11 **PETITION TO REVOKE PROBATION**

12 12. Grounds exist for revoking the probation and reimposing the order of revocation of
13 Respondent's Registered Nurse License No. 310344. Condition 12 of the decision states:

14 If respondent violates the conditions of her probation, the Board after
15 giving the respondent notice and an opportunity to be heard, may set aside the stay
order and impose the stayed discipline, revocation of the respondent's license.

16 If during the period of probation, an accusation or petition to revoke
17 probation has been filed against respondent's license or the Attorney General's Office
18 has been requested to prepare an accusation or petition to revoke probation against
19 the respondent's license, the probationary period shall automatically be extended and
shall not expire until the accusation or petition has been acted upon by the Board.
Upon successful completion of probation, the respondent's license will be fully
restored.

20 13. Respondent has violated the Probation Program, as more particularly set forth in the
21 following paragraphs:

22 **FIRST CAUSE TO REVOKE PROBATION**

23 **(Failure to Obey all Laws)**

24 14. At all times after the effective date of Respondent's probation, Condition 1, stated:

25 Respondent shall obey all federal, state and local laws. A full and
26 detailed account of any and all violations of law shall be reported by the respondent
27 to the Board in writing within seventy-two (72) hours of occurrence. To permit
28 monitoring of compliance with this term, respondent shall submit completed
fingerprint cards and fingerprint fees within 45 days of the effective date of the
decision, unless previously submitted as part of the licensure application process.

Respondent shall submit a recent 2" x 2" photograph of himself or herself within 45 days of the effective date of the final decision.

15. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 1, referenced above. The facts and circumstances regarding this violation are that Respondent failed to obey all laws, as more particularly set forth in paragraph 10, subparagraphs c and e, above.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Notify Board of Change in Status of Arizona License)

16. At all times after the effective date of Respondent's probation, Condition 4, stated:

Respondent shall be bound by the terms and conditions of the Disciplinary Order as of its effective date. However, the period of probation shall be tolled and the terms and conditions of the Disciplinary Order shall be stayed until respondent enters the State of California to practice nursing at a future date, with the exception of terms and conditions 1, 4, 12, and 19, set forth herein, which shall not be stayed and which shall be fully complied with by respondent during the entire length of the probationary term. Respondent shall give written notice to the Board of respondent's intention to practice nursing in California thirty days prior to engaging in any activity requiring a registered nurse license issued by the Board. Failure to comply with the notice requirements shall constitute a violation of probation and a basis for revoking probation and respondent's California registered nurse license.

Periods of residency or practice as a registered nurse outside of California will not apply to the reduction of this probationary term. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.

17. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 4, referenced above. The facts and circumstances regarding this violation are that Respondent failed to notify the Board within 15 days of her surrender of her Arizona nursing license.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Comply with Arizona Cando Program)

18. At all times after the effective date of Respondent's probation, Condition 19, stated:

Respondent shall comply with all terms and conditions of the Arizona State Board of Nursing Cando Program. Respondent shall provide proof to the Board as requested by the Board or its designee of her compliance with the program. Any failure by the respondent to comply with the Cando Program or failure to provide proof of such compliance upon request and reasonable notice shall be a violation of the terms and conditions of her California probation.

1 19. Respondent's probation is subject to revocation because she failed to comply with
2 Probation Condition 19, referenced above. The facts and circumstances regarding this violation
3 are that Respondent failed to comply with the Arizona State Board of Nursing Cando Program, in
4 that on or about July 7, 2005, Respondent was discharged from the Cando Program prior to
5 successful completion of the program.

6 PRAYER

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Registered Nursing issue a decision:

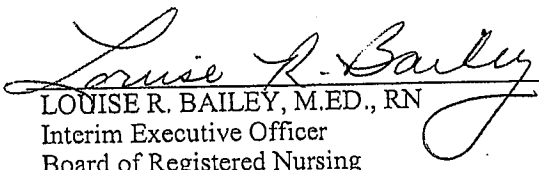
9 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
10 No. 2001-37, and imposing the disciplinary order that was stayed thereby revoking Respondent
11 Nursing License No. RN 310344, issued to Kimberly L. Ward Lauber, also known as Kimberly
12 L. Lauber, and Kimberly L. Ward;

13 2. Revoking or suspending Registered Nurse License Number 310344, issued to
14 Kimberly L. Ward Lauber, also known as Kimberly L. Lauber, and Kimberly L. Ward;

15 3. Ordering Kimberly L. Ward Lauber, also known as Kimberly L. Lauber, and
16 Kimberly L. Ward to pay the Board of Registered Nursing the reasonable costs of the
17 investigation and enforcement of this case, pursuant to Business and Professions Code section
18 125.3; and,

19 4. Taking such other and further action as deemed necessary and proper.
20
21

22 DATED: 5/8/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Board of Registered Nursing Decision and Order Effective March 11, 2001

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Kimberly L. Lauber

Registered Nurse License No. 310344

Respondent.

Case No. 2001-37

OAH No. L-2000090384

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing of the Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on March 11th, 2001.

It is so ORDERED February 9th, 2001.

Sandra L. Erickson, CRNA
FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN A. RUFF, State Bar No. 115869
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3 California Department of Justice
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6 Telephone: (619) 645-2077
Facsimile: (619) 645-2061

7 Attorneys for Complainant.
8
9

10 BEFORE THE
BOARD OF REGISTERED NURSING
11 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 KIMBERLY LAUBER

14 Registered Nurse License No. 310344

15 Respondent.
16
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Case No. 2001-37

OAH No. L-2000090384

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18 In the interest of a prompt and speedy settlement of this matter, consistent with
19 the public interest and the responsibility of the Board of Registered Nursing of the Department of
20 Consumer Affairs ("Board"), the parties hereby agree to the following Stipulated Settlement and
21 Disciplinary Order which will be submitted to the Board for its approval and adoption as the
22 final disposition of the Accusation.
23

24 PARTIES

25 1. Complainant Ruth Ann Terry, M.P.H., R.N. is the Executive Officer of the
26 Board, and brought this action solely in her official capacity. Complainant is represented in this
27 matter by Bill Lockyer, Attorney General of the State of California, by Susan A. Ruff, Deputy
28 Attorney General.

2. Respondent is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about October 31, 1979, the Board issued Registered Nurse License Number 310344 to Kimberly L. Lauber ("respondent"). The license expired on January 31, 1999, and has not been renewed.

JURISDICTION

4. Accusation, No. 2001-37, was filed before the Board and is currently pending against Respondent. The Accusation, together with all other statutorily required documents, was duly served on Respondent on August 11, 2000, and Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2001-37 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and fully understands the nature of the charges and allegations in the Accusation and the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation, the right to be represented by counsel at her own expense, the right to confront and cross-examine the witnesses against her, the right to present evidence and to testify on her own behalf, the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to reconsideration and court review of an adverse decision, and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands that the charges and allegations in the Accusation, if proven at a hearing, constitute cause for imposing discipline upon her registered nurse license.

1 (1) OBEY ALL LAWS - Respondent shall obey all federal, state and local
2 laws. A full and detailed account of any and all violations of law shall be reported by the
3 respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit
4 monitoring of compliance with this term, respondent shall submit completed fingerprint cards
5 and fingerprint fees within 45 days of the effective date of the decision, unless previously
6 submitted as part of the licensure application process. Respondent shall submit a recent 2" x 2"
7 photograph of himself or herself within 45 days of the effective date of the final decision.

8 (2) COMPLY WITH PROBATION PROGRAM - Respondent shall fully
9 comply with the terms and conditions of the Probation Program established by the Board and
10 cooperate with representatives of the Board in its monitoring and investigation of the
11 respondent's compliance with the Probation Program. Respondent shall inform the Board in
12 writing within no more than 15 days of any address change and shall at all times maintain an
13 active, current license status with the Board, including during any period of suspension.

14 (3) REPORT IN PERSON - Respondent, during the period of probation, shall
15 appear in person at interviews/meetings as directed by the Board or its designated
16 representatives.

17 (4) RESIDENCY OR PRACTICE OUTSIDE OF STATE - Respondent shall
18 be bound by the terms and conditions of the Disciplinary Order as of its effective date. However,
19 the period of probation shall be tolled, and the terms and conditions of the Disciplinary Order
20 shall be stayed until respondent enters the State of California to practice nursing at a future date,
21 with the exception of terms and conditions number 1, 4, 12 and 19 set forth herein, which shall
22 not be stayed and which shall be fully complied with by respondent during the entire length of
23 the probationary term. Respondent shall give written notice to the Board of respondent's
24 intention to practice nursing in California thirty days prior to engaging in any activity requiring a
25 registered nurse license issued by the Board. Failure to comply with the notice requirements
26 shall constitute a violation of probation and a basis for revoking probation and respondent's
27 California registered nurse license.

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1 Periods of residency or practice as a registered nurse outside of California will not
2 apply to the reduction of this probationary term. The respondent must provide written notice to
3 the Board within 15 days of any change of residency or practice outside the state.

4 (5) SUBMIT WRITTEN REPORTS - Respondent, during the period of
5 probation, shall submit or cause to be submitted such written reports/declarations and verification
6 of actions under penalty of perjury, as required by the Board. These reports/declarations shall
7 contain statements relative to respondent's compliance with all the terms and conditions of the
8 Board's Probation Program. Respondent shall immediately execute all release of information
9 forms as may be required by the Board or its representatives.

10 Respondent shall provide a copy of this decision to the nursing regulatory agency
11 in every state and territory in which he or she has a registered nurse license.

12 (6) FUNCTION AS A REGISTERED NURSE - Respondent, during the
13 period of probation, shall engage in the practice of registered nursing in California for a
14 minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

15 For purposes of compliance with the section, "engage in the practice of registered
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18 The Board may require that advanced practice nurses engage in advanced practice
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
20 Board.

21 If respondent has not complied with this condition during the probationary term,
22 and the respondent has presented sufficient documentation of his or her good faith efforts to
23 comply with this condition, and if no other conditions have been violated, the Board, in its
24 discretion, may grant an extension of the respondent's probation period up to one year without
25 further hearing in order to comply with this condition.

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1 (7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS-

2 Respondent shall obtain prior approval from the Board before commencing any employment,
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
4 performance evaluations and other employment related reports as a registered nurse upon request
5 of the Board.

6 Respondent shall provide a copy of this decision to his or her employer and
7 immediate supervisor prior to commencement of any nursing or other health care related
8 employment.

9 Respondent shall notify the Board in writing within seventy-two (72) hours after
10 he or she obtains any nursing or other health care related employment, when such employment is
11 not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72)
12 hours after he or she is terminated from any registered nursing, other nursing, or other health care
13 related employment with a full explanation of the circumstances surrounding the termination.

14 (8) SUPERVISION - Respondent shall obtain prior approval from the Board
15 regarding respondent's level of supervision and/or collaboration before commencing any
16 employment as a registered nurse.

17 Respondent shall practice only under the direct supervision of a registered nurse
18 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
19 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
20 are approved.

21 Respondent's level of supervision and/or collaboration may include, but is not
22 limited to the following:

23 (A) Maximum - The individual providing supervision and/or collaboration
24 is present in the patient care area or in any other work setting at all times.

25 (B) Moderate - The individual providing supervision and/or collaboration
26 is in the patient care unit or in any other work setting at least half the hours respondent
27 works.

28 (C) Minimum - The individual providing supervision and/or collaboration

1 has person-to-person communication with respondent at least twice during each shift
2 worked.

3 (D) Home Health Care - If respondent is approved to work in the home
4 health care setting, the individual providing supervision and or/collaboration shall have
5 person-to-person communication with respondent as required by the Board each work
6 day. Respondent shall maintain telephone or other telecommunication contact with the
7 individual providing supervision and/or collaboration as required by the Board during
8 each work day. The individual providing supervision and/or collaboration shall conduct,
9 as required by the Board, periodic, on-site visits to patients' homes visited by the
10 respondent with or without respondent present.

11 (9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a
12 nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement
13 agency, or for an in-house nursing pool. Respondent shall not work for a licensed home health
14 agency as a visiting nurse unless the registered nursing supervision and other protections for
15 home visits have been approved by the Board. Respondent shall not work in any other registered
16 nursing occupation where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered
18 nurses. The Board may additionally restrict respondent from supervising licensed vocational
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined
23 worksite(s) and shall not work in a float capacity.

24 If the respondent is working or intends to work in excess of 40 hours per week,
25 the Board may request documentation to determine whether there should be restrictions on the
26 hours of work.

27 (10) COMPLETE A NURSING COURSE(S) - Respondent, at her own
28 expense, shall enroll and successfully complete a course(s) relevant to the practice of registered

1 nursing no later than six months prior to the end of his or her probationary term.

2 Respondent shall obtain prior approval from the Board before enrolling in the
3 course(s). Respondent shall submit to the Board the original transcripts or certificates of
4 completion for the above required course(s). The Board shall return the original documents to
5 respondent after photocopying them for its records.

6 (11) COST RECOVERY - Respondent shall pay to the Board costs associated
7 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
8 in the amount of \$ 2,449.50. Respondent shall be permitted to pay these costs in a payment plan
9 approved by the Board, with payments to be completed no later than three months prior to the
10 end of the probation term.

11 (12) VIOLATION OF PROBATION - If respondent violates the conditions of
12 her probation, the Board after giving the respondent notice and an opportunity to be heard, may
13 set aside the stay order and impose the stayed discipline, revocation of the respondent's license.

14 If during the period of probation, an accusation or petition to revoke probation has
15 been filed against respondent's license or the Attorney General's Office has been requested to
16 prepare an accusation or petition to revoke probation against the respondent's license, the
17 probationary period shall automatically be extended and shall not expire until the accusation or
18 petition has been acted upon by the Board. Upon successful completion of probation, the
19 respondent's license will be fully restored.

20 (13) PHYSICAL EXAMINATION - Within 45 days of the effective date of
21 this decision, respondent, at her expense, shall have a licensed physician, nurse practitioner, or
22 physician assistant, who is approved by the Board before the assessment is performed, submit an
23 assessment of the respondent's physical condition and capability to perform the duties of a
24 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
25 medically determined, a recommended treatment program will be instituted and followed by the
26 respondent with the physician, nurse practitioner, or physician assistant providing written reports
27 to the Board on forms provided by the Board.

28 If respondent is determined to be unable to practice safely as a registered nurse,

1 the licensed physician, nurse practitioner, or physician assistant making this determination shall
2 immediately notify the Probation Program and respondent by telephone. Respondent shall
3 immediately cease practice and shall not resume practice until notified by the Probation Monitor.
4 During this period of suspension, respondent shall not engage in any practice for which a license
5 issued by the Board is required until the Probation Monitor has notified respondent that a
6 medical determination permits respondent to resume practice.

7 (14) PARTICIPATE IN REHABILITATION PROGRAM FOR CHEMICAL
8 DEPENDENCE - Respondent, at her expense, shall successfully complete during the
9 probationary period or shall have successfully completed prior to commencement of probation a
10 Board-approved treatment/rehabilitation program of at least six months. As required, reports
11 shall be submitted by the program on forms provided by the Board. If respondent has not
12 completed a Board-approved treatment/rehabilitation program prior to commencement of
13 probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in
14 a program. If a program is not successfully completed within the first nine months of probation,
15 the Board shall consider the respondent in violation of probation.

16 Based on Probation Program recommendation, each week respondent shall be
17 required to attend at least one, but no more than five 12-step recovery meetings or equivalent
18 (e.g., Narcotics Anonymous, Alcoholic Anonymous, etc.) and a nurse support group as approved
19 and directed by the Board. If a nurse support group is not available, an additional 12-step
20 meeting or equivalent shall be added. Respondent shall submit dated and signed documentation
21 confirming such attendance to the Board during the entire period of probation. Respondent shall
22 continue with the recovery plan recommended by the treatment/rehabilitation program or a
23 licensed mental health examiner and/or other ongoing recovery groups.

24 (15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)
25 DRUGS - Respondent shall completely abstain from the possession, injection or consumption by
26 any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are
27 ordered by a health care professional legally authorized to do so and are part of documented
28 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)

1 days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date
2 the medication was prescribed, the respondent's prognosis, the date the medication will no longer
3 be required, and the effect on the recovery plan, if appropriate.

4 Respondent shall identify for the Board a single physician, nurse practitioner, or
5 physician assistant who shall be aware of respondent's history of substance abuse and will
6 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled
7 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
8 assistant shall report to the Board on a quarterly basis respondent's compliance with this
9 condition. If any substances considered addictive have been prescribed, the report shall identify
10 a program for the time limited use of any such substances.

11 The Board may require the single coordinating physician, nurse practitioner, or
12 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
13 addictive medicine.

14 (16) SUBMIT TO TESTS AND SAMPLES - Respondent, at her expense, shall
15 participate in a random, biological fluid testing or a drug screening program which the Board
16 approves. The length of time and frequency will be subject to approval by the Board. The
17 respondent is responsible for keeping the Board informed of respondent's current telephone
18 number at all times. Respondent shall also ensure that messages may be left at the telephone
19 number when she is not available and shall ensure that reports are submitted directly by the
20 testing agency to the Board, as directed. Any confirmed positive finding shall be reported
21 immediately to the Board by the program and the respondent will be considered in violation of
22 probation.

23 In addition, respondent, at any time during the period of probation, shall fully
24 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
25 tests and samples as the Board or its representatives may require for the detection of alcohol,
26 narcotics, hypnotics, dangerous drugs, or other controlled substances.

27 If respondent has a positive drug screen for any substance not legally authorized
28 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the

1 Board files a petition to revoke probation or an accusation, the Board may suspend respondent
2 from practice pending the final decision on the petition to revoke probation or the accusation.

3 (17) MENTAL HEALTH EXAMINATION - The respondent shall, within 45
4 days of the effective date of this decision, have a mental health examination including
5 psychological testing as appropriate to determine her capability to perform the duties of a
6 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
7 licensed mental health practitioner approved by the Board. The examining mental health
8 practitioner will submit a written report of that assessment and recommendations to the Board.
9 All costs are the responsibility of the respondent. Recommendations for treatment, therapy or
10 counseling made as a result of the mental health examination will be instituted and followed by
11 the respondent.

12 If respondent is determined to be unable to practice safely as a registered nurse,
13 the licensed mental health care practitioner making this determination shall immediately notify
14 the Probation Program and respondent by telephone. Respondent shall immediately cease
15 practice and may not resume practice until notified by the Probation Monitor. During this period
16 of suspension, respondent shall not engage in any practice for which a license issued by the
17 Board is required, until the Probation Monitor has notified respondent that a mental health
18 determination permits respondent to resume practice.

19 (18) THERAPY OR COUNSELING PROGRAM - Respondent, at her
20 expense, shall participate in an on-going counseling program until such time as the Board
21 releases her from this requirement and only upon the recommendation of the counselor. Written
22 progress reports from the counselor will be required at various intervals.

23 (19) COMPLY WITH ARIZONA CANDO PROGRAM - Respondent shall
24 comply with all terms and conditions of the Arizona State Board of Nursing Cando Program.
25 Respondent shall provide proof to the Board as requested by the Board or its designee of her
26 compliance with the program. Any failure by the respondent to comply with the Cando Program
27 or failure to provide proof of such compliance upon request and reasonable notice shall be a
28 violation of the terms and conditions of her California probation.

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DATED: 11-23-2000

ENDORSEMENT

Affairs.

DATED: 11/29/00

Attorneys for Complainant

12

Exhibit A:

Accusation: Case No. 2001-37

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN A. RUFF, State Bar No. 115869
Deputy Attorney General
3 110 West "A" Street, Suite 1100
P.O. Box 85266
4 San Diego, CA 92101-5266.
Telephone: (619) 645-2077
5 Facsimile: (618) 645-2061

6 Attorneys for Complainant

7
8 BEFORE THE
9 BOARD OF REGISTERED NURSING
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:) NO. 2001-37
13 KIMBERLY L. LAUBER A. K. A.) ACCUSATION
14 KIMBERLY L. WARD LAUBER)
8171 E. Lake Boulevard)
Marblehead, OH 43440)
15 Registered Nurse License No. 310344)
16 Respondent.)

17
18 Complainant alleges:

19 PARTIES

20 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes and files this
21 accusation in her official capacity as Executive Officer, Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On October 31, 1979, the Board of Registered Nursing ("Board") issued
24 registered nurse license number 310344 to Kimberly L. Lauber A. K. A. Kimberly L. Ward
25 Lauber ("Respondent"). The license expired on January 31, 1999, and has not been renewed.

26 ///

27 ///

STATUTORY PROVISIONS

3. Under section 2750 of the Business and Professions Code ("Code"), the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 of the Nursing Practice Act.

4. Under section 2764 of the Code the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

5. Under section 118(b) of the Code the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Under section 125.3 of the Code the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7. Section 2761(a) of the Code states the Board may take disciplinary action against a certified or licensed nurse or deny an application for unprofessional conduct.

8. Section 2762(b) of the Code states in addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

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2. Ordering Kimberly L. Lauber to pay to the Board of Registered Nursing its costs in investigating and enforcing the case according to proof at the hearing pursuant to Business and Professions Code section 125.3.

3. Taking such other and further action as may be deemed proper and appropriate.

DATED: 8/4/00

Emm Brak
 RUTH ANN TERRY, M.P.H., R.N.
 Executive Officer
 Board of Registered Nursing
 Department of Consumer Affairs
 State of California

Complainant

03579110SD1999AD0724
(RJT 07/19/00)

EXHIBIT B

Consent for Entry of Voluntary Surrender Order No. 0507004

Janet Napolitano
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

1651 East Morten, Suite 210
Phoenix, AZ 85020-4613
Phone (602) 889-5150 Fax (602) 889-5155
E-Mail: arizona@azbn.org
Home Page: <http://www.azboardofnursing.org>

TO: California Board of Nursing
400 R Street, Suite 4030
P. O. Box 944210
Sacramento, CA 94244-2100

DATE: January 19, 2006

FROM: Joey Ridenour, RN, MN, Executive Director
Arizona State Board of Nursing

SUBJECT: JANE KIMBERLY LAUBER
Disciplinary Action by Arizona State Board of Nursing

This is to advise you that the above named nurse was disciplined by the Arizona State Board of Nursing effective January 12, 2006. The disciplinary action given was Voluntary Surrender.

Enclosure:

ARIZONA STATE BOARD OF NURSING
1651 East Morten Avenue, Suite 210
Phoenix, Arizona 85020-4613
602-889-5150

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IN THE MATTER OF PROFESSIONAL
NURSE LICENSE NO. RN098052
ISSUED TO:
JANE KIMBERLY LAUBER
RESPONDENT

CONSENT FOR ENTRY OF
VOLUNTARY SURRENDER
ORDER NO. 0507004

A complaint charging Jane Kimberly Lauber ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders her license for a minimum of three (3) years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued professional nurse license no. 098052.
2. On or about November 26, 2004, the Board received a complaint from James Rocha, RN, Assistant Chief Nursing Officer at El Dorado Hospital, who stated that Respondent was removed from her assignment in the Emergency Room due to her behavior that was consistent with impairment.
3. On or about December 16, 2004, Board staff spoke to Respondent, who admitted to drinking the night before the incident occurred at El Dorado Hospital. She also stated that her drug screen at El Dorado was positive for alcohol.

4. On or about January 4, 2005, Board staff interviewed Respondent, who stated that she began drinking again after three and one-half years of sobriety. She said that she drinks a half a bottle of vodka ~~or rum~~ for several days in a row and then will not drink again for several days. Respondent also admitted that she had been arrested for "reckless operation" in June 2004 with a BAC of .082 and had been convicted. On October 1, 2004, Respondent was arrested for DUI by Pima County Sheriff's Department. Although the charges have been dismissed, she expected new charges to be filed soon.

5. On or about January 4, 2005, Respondent signed the CANDO Stipulated Agreement, which, in part, required her to attend a chemical dependency treatment program, enroll in a drug screening program and submit to required monthly random drug screens, attend two AA meetings per week, abstain from the use of alcohol and narcotics, attend aftercare, abstain from unauthorized drug use, notify CANDO of any prescription received, apply for renewal her professional nurse license when it expires, to refrain from working as a nurse until approval to return to work was obtained from the CANDO consultant and upon return to nursing practice, abide by standard nursing practice restrictions.

6. According to Pima County Sheriff's Department documents, (TR04-028336) a Pima County Sheriff officer responded to a call at 7AM on October 1, 2004 regarding a motor vehicle accident that involved three vehicles, two sport utility type vans and a motorcycle. Respondent refused to submit to the field sobriety test. The officer also noted that Respondent was driving without an Arizona driver's license, as it had been suspended. On or about October 1, 2004, Respondent was arrested for an aggravated DUI - License Suspended/Revoked for DUI and Endangerment.

7. On or about June 3, 2005, the Pima County Superior Court (CR 2005 - 0065) convicted Respondent of Endangerment, a class six felony, nondangerous and nonrepetitive offense and

Driving While Under the Influence of Liquor, Drugs, Vapor-Releasing, a class one misdemeanor. The court ordered suspending the imposition of sentencing and placed Respondent on probation for three years starting June 3, 2005. Respondent's Sentence of Probation required her to spend ten days in jail, to not consume any alcoholic beverages, to participate in the aggravated DUI program, to take antabuse as prescribed, and to pay court fines and fees. Respondent's driver's license was also suspended for one year starting October 1, 2004 and any vehicle she operates was required to be equipped with a certified ignition interlock device for at least one year after the completion of the suspension.

8. On or about July 7, 2005, Respondent was discharged from the CANDO program.
9. On or about July 31, 2005, Respondent requested to voluntarily surrender her license.

CONCLUSIONS OF LAW

Pursuant to A.R.S. § § 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1601(b), (d), (h), and (j), and A.A.C. R4-19-403(12).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663 (D)(5) 32-1664(N) to take disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.

Respondent understands that she has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

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Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

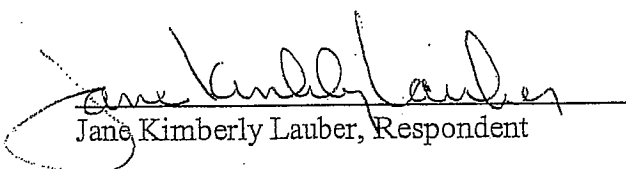
Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Executive Director or the Board's approval or by stipulation between the Respondent and the Executive Director or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that she may not reapply for reinstatement during the period of Voluntary Surrender.

Respondent agrees that she may apply for reinstatement after the period of voluntary surrender under the following conditions, and must comply with current law at the time of their application for reinstatement:

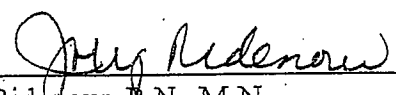
The application for reinstatement must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the voluntary surrender has been removed and that the reinstatement of the license does not constitute a threat to the public's health, safety and welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding the Respondent as it deems necessary. These conditions shall be met before the application for reinstatement is considered.


Jane Kimberly Lauber, Respondent

Date: 10-29-05

ARIZONA STATE BOARD OF NURSING

SEAL


Joey Ridenour, R.N., M.N.
Executive Director

Dated: 1/12/06

SSMITH/m098052

ORDER

Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of professional nurse license number RN098052, issued to Jane Kimberly Lauber. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

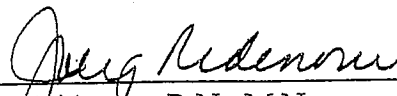
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IT IS FURTHER ORDERED that Respondent may apply for reinstatement of said license after a period of three (3) years.

SEAL

ARIZONA STATE BOARD OF NURSING



Joey Ridenour, R.N., M.N.
Executive Director

Dated: 11/12/06

JR/SS:oz

COPY mailed this 11th day of October 2005, by First Class Mail, to:

Jane Kimberly Lauber
4242 North Rio Cancion, #170
Tucson, Arizona 85718.

By: Olga Zuniga
Administrative Secretary

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**CANDO PROGRAM
ARIZONA STATE BOARD OF NURSING
CONFIDENTIAL STIPULATED AGREEMENT**

Pursuant to A.R.S. §32-1605.01(B)(6) and §32-1606(A)(5), the Arizona State Board of Nursing, through its executive director, has authority to enter into the following agreement and pursuant to A.R.S. §32-1663, as defined in A.R.S. §32-1601(16)(k), has authority to enforce the following agreement.

I, Jane Kimberly Lauber, License No. RN098052, agree to participate in CANDO, the Arizona State Board of Nursing's ("Board") confidential, nondisciplinary monitoring program for chemically dependent nurses. I have voluntarily chosen to participate in CANDO and agree to adhere to the following conditions set forth in this agreement:

1. To participate in CANDO for a minimum period of three years.
2. To completely abstain from the use of alcohol and all other mind/mood altering medications and controlled and/or addictive substances.
3. To enter within fourteen (14) calendar days a Arizona Department of Health Services licensed and Board acceptable chemical dependency treatment program. I agree to abide by all recommendations of that program regarding ongoing treatment and discharge planning. Documentation of name of program, therapist and/or counselor, date of entry, attendance, progress, completion, and recommendations must be submitted to CANDO.
4. To refrain from the practice of nursing until CANDO has received a recommendation to return to work from the medical director or equivalent of the chemical dependency treatment program and CANDO has approved my re-entry into nursing.
5. Within seven (7) calendar days of the completion of the intensive phase of the treatment program, enter an Arizona Department of Health Services licensed and Board acceptable aftercare program facilitated by the original chemical dependency treatment program. The aftercare program must be a minimum of six (6) months in length. A CANDO provided aftercare report must be submitted to CANDO by the last day of my reporting months. In addition, a letter documenting successful completion must be submitted to CANDO by the aftercare program.
6. To be evaluated by a Board acceptable chemical dependency therapist after completing my first year in CANDO to identify any deficiencies in my recovery program. I agree to abide by his/her recommendations which may include ongoing counseling.
7. To attend a minimum of two (2) Alcoholics Anonymous or equivalent program meetings each week and to submit the CANDO provided attendance sheet by the last day of my reporting months. I will also obtain a sponsor within sixty (60) days of entering CANDO and maintain a relationship with a sponsor during my participation in CANDO.
8. To attend weekly a Board acceptable nurse recovery group. If there is no group within forty (40) miles of my home, I will attend an additional Alcoholics Anonymous or equivalent meeting each week.
9. To submit a complete CANDO provided self-report form to CANDO by the last day of my reporting months.

10. To select one health care provider for my health care needs and to immediately submit to him/her the CANDO provided health care provider form describing CANDO, the drug restrictions, and the required documentation if any medications are prescribed either currently or at any time while participating in CANDO. Additionally, I agree to notify any and all health care providers, that I receive treatment from, of my participation in CANDO prior to receiving treatment. If my health care provider prescribes a narcotic or mood altering medication, I shall ensure that the prescribing provider notifies CANDO immediately and submits monthly reports to CANDO regarding the continued need for the narcotic or mood-altering medication.
11. To refrain from taking any medication (except for ibuprofen, plain aspirin and/or acetaminophen) unless I have obtained a written authorization from my health care provider. I will maintain a log of all medications taken including ibuprofen, plain aspirin and acetaminophen, and will submit the log to CANDO by the last day of my reporting months. The log shall include the following information: the medication taken; the date and time the medication was taken; the name of the authorizing health care provider; the reason for the medication.
12. To immediately notify CANDO if I am hospitalized or must undergo any procedures requiring the administration of medication, and to provide all required documentation from any and all health care providers.
13. To enroll within seven (7) days in a program for random drug screens that meets the NIDA guidelines and to submit to the screens as required by CANDO. Any confirmed positive drug screen for which CANDO has not received appropriate notification and documentation from the prescribing provider will be considered a relapse. My employer will be notified immediately. I understand I will be discharged from CANDO.
14. To give prior notification of any inability to screen to the lab and CANDO. If I fail to notify CANDO and the laboratory of my inability to screen and fail to screen, I will be considered noncompliant with CANDO.
15. To notify within five (5) calendar days CANDO and the lab of any change in my home and/or employment phone number and/or address.
16. To report immediately to CANDO any relapse. Relapse is any actual use of mood or mind altering chemicals including alcohol.
17. To inform any and all nursing employers and/or schools of nursing of my participation in CANDO and to provide a copy of my Agreement to them and my assigned supervising nurse before accepting any clinical nursing assignment or working in a capacity requiring my nursing license. The employer/my supervisor and/or school of nursing shall submit to CANDO the completed CANDO provided form which documents my work status and ability to comply with all work restrictions.
18. To notify CANDO of any change in my employment status within five (5) calendar days of the change.
19. To have my direct supervisor complete the CANDO provided performance evaluation form in time to allow for the reports to be received by CANDO by the last day of my reporting months.

20. To observe the following work restrictions:

- a) Will not work registry, traveling nurse, nursing float pool, or any temporary employment agency work and will not work in a home or other community based settings in which direct supervision is not available.
- b) Will work in a setting where there is always a minimum of one other registered nurse.
- c) Will only work the day or evening shift.
- d) Will not work more than forty (40) scheduled hours of work in one week.
- e) Will not work a shift within twelve (12) hours of the previous shift.
- f) Will not work more than three (3) 12-hour shifts consecutively.
- g) Will work in an area where there is consistent supervision provided by primarily one (1) individual who has been provided a copy of my Agreement. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, I shall cause my new supervising nurse to inform the CANDO Program, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Agreement and to include the new supervising nurse's ability to comply with the work related restrictions within ten days of assignment of a new supervising nurse.
- h) May float only when no reasonable alternative exists and the receiving area has knowledge of the Licensee's participation in CANDO.
- i) Will not have access to or dispense narcotics, synthetic narcotics including but not limited to Ultram, Nubain and Stadol, or other potentially addictive medications for a minimum of six (6) months. I agree to abide by this restriction until I have been evaluated by and receive written authorization from CANDO.
- j) Will not accept a new supervisory position for one (1) year.

21. To sign all release of information forms relevant to my treatment and health care.

22. Signing this agreement authorizes communication between CANDO and the identified employer and direct supervisor, and between CANDO and my treatment providers.

23. To appear in person for any requested interviews, given reasonable notice by CANDO.

24. My reporting months (the last day of every other month) while participating in CANDO are as follows:

January, March, May, July, September, and November.

I understand any and all expenses incurred while I am a participant in CANDO are my responsibility.

I agree to apply for renewal of my license in the event that my license is scheduled to expire while this Stipulated Agreement is in effect. I understand I must pay the applicable fee and maintain qualifications to practice nursing in Arizona.

I agree to inform the CANDO Program, in writing, of a pending relocation out of the State of Arizona, and agree to notify the Board of Nursing, in the state in which relocation to practice nursing is considered, that I am a participant in the Arizona Board of Nursing's nondisciplinary program. I understand that I must fully comply with the terms of this Agreement, regardless of residency. I understand that while participating in CANDO, I am not eligible for a multistate "Compact" license.

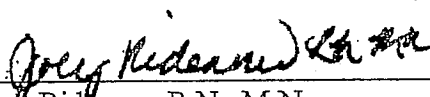
I understand that if at any time during my participation in CANDO, a complaint against my license is received by the Board, my participation in CANDO will be communicated to the Board for the Board's review in consideration of the complaint.

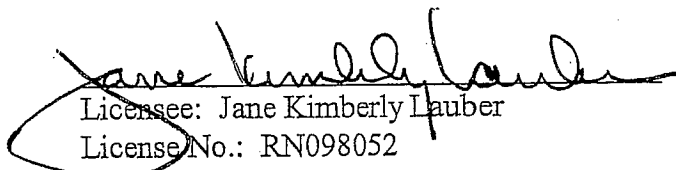
I understand that participation in CANDO is voluntary.

I understand that if I am noncompliant with the terms of this stipulated agreement in any respect, the CANDO Consultant may notify my employer of the noncompliance. Additionally, if I am noncompliant with any of the terms of the agreement, the length and terms of the agreement may be extended and/or modified, or I may be discharged from CANDO.

I understand that noncompliance with any of the terms of the Stipulated Agreement is considered a violation of the Nurse Practice Act. If terminated/discharged from this Agreement for noncompliance, any misconduct which may have occurred prior to the execution of this Stipulated Agreement or while this Agreement is in effect may be used in disciplinary proceedings by the Arizona State Board of Nursing (if I am discharged for noncompliance). Additionally, I understand that if discharged for noncompliance, all records of my participation in this program are no longer confidential or exempt from public records law. The Arizona State Board of Nursing may summarily suspend my nursing license if there is an immediate threat to the public health and safety. I further understand that Arizona State Board of Nursing disciplinary actions are reportable to the National Council of State Boards of Nursing Data Bank.

I hereby certify I have read this document, have had an opportunity to ask questions and I understand the agreement. Any modifications to the terms of this stipulated agreement are subject to the approval of the CANDO Consultant and must be documented in an addendum and signed by the Licensee and the Executive Director.


Joey Ridcnour, R.N., M.N.
Executive Director


Licensee: Jane Kimberly Lauber
License No.: RN098052

Date: January 4, 2005

Date: 1-4-05

SEAL

SS/oz